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The TAQA Case: A textbook example of Legal Terroristic Communication

[SLAPP Study - 78EU, score 8.5]

A "formal notice" that functions as a threat.

A multinational backed by **A&O Shearman** attacks a whistleblower written not to inform, but to intimidate. Here's what it reveals.

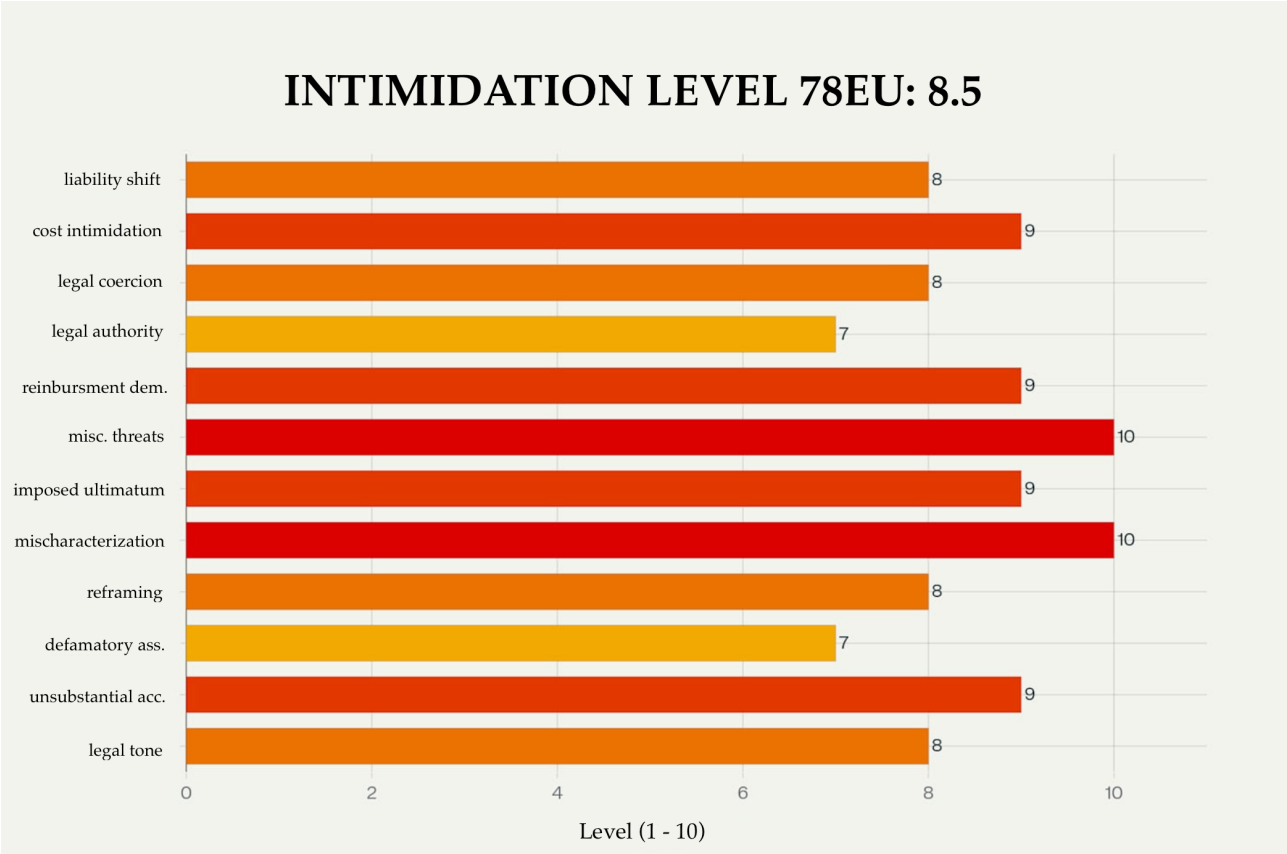
This case represents an emblematic example of **Strategic Lawsuits Against Public Participation (SLAPP)**, a form of judicial abuse aimed at **silencing, intimidating and draining** those who dare to expose irregularities or criticize corporate conduct. This study analyzes that letter as a specimen of modern legal terroristic communications and examines the future outlook for such practices in the European context.

THE ANATOMY OF INTIMIDATION: ANALYSIS OF THE FORMAL NOTICE

Constitutive Elements of Legal Intimidation

The formal notice dated July 3, 2025, exhibits a **systematic array of intimidation techniques** reaching levels of aggression rarely seen in professional legal correspondence. A quantitative analysis reveals twelve distinct intimidating

elements, with an average intimidatory impact of 8.5 out of 10, demonstrating a calculated, deliberate approach to suppressing dissent.



Quantitative Analysis of Intimidatory Elements

The **accusatory language** forms the backbone of the intimidation strategy. The letter immediately deploys phrases such as "*flagrant and wholly unjustified manner*" "*malicious and defamatory communications*" and "*egregious and baseless allegations*" to characterize the communications. These terms do not convey information but serve to establish a presumption of guilt before any concrete evidence is presented.

Particularly insidious is the **narrative reversal** that recasts TAQA, from the subject of a complaint regarding violations, into the victim of an alleged "*defamatory campaign*". This technique, typical of modern SLAPPs, completely distorts factual reality: a whistleblower exposing irregularities is framed as a malicious aggressor.

Temporal and Psychological Pressure Techniques

The 48-hour **ultimatum to remove all statements** imposes an unreasonably short deadline. This deliberately insufficient timeframe disregards the need for legal consultation, evaluation of the demands and preparation of a reasoned response. Forty-eight hours is too brief for considered deliberation yet sufficiently long to preclude any accusation of unreasonableness.

Immediate legal threats promise "immediate proceedings for defamation, injunctive relief and claims for damages" and the application of the "*full force of the law*". These threats **maximize intimidatory effect** by evoking the prospect of devastating economic consequences for an individual facing a multinational backed by an international law firm.

The Institutional Authority Weapon

The letter is signed by Naciri & Associés (A&O Shearman), **a prestigious international law firm with offices in dozens of jurisdictions worldwide. Invoking institutional authority achieves three objectives:**

(1) **Amplifying** the threat through professional prestige

(2) **Suggesting** the inevitability of legal consequences

(3) **Discouraging** the recipient from seeking legal assistance

The letterhead proudly lists all the firm's international offices, from Amsterdam to Washington D.C. creating an **overwhelming impression of superior resources**. This institutional "**name-dropping**" serves no legal function but exists solely to **intimidate by showcasing financial power and global connections**.

THE EUROPEAN CONTEXT: THE SLAPP EPIDEMIC

Scale of the Phenomenon

SLAPP lawsuits in Europe have reached alarming proportions. According to the 2024 report by the Coalition Against SLAPPs in Europe (CASE), **1,049 SLAPP cases** were identified between 2010 and 2023, with **166 new cases in 2023 alone**. These figures likely represent only the "tip of the iceberg" as many cases go undocumented or remain hidden due to fear of retaliation.

In 2023, 36% of SLAPPs concerned corruption and 16% environmental issues. **Journalists remain the most frequent targets** (constituting the majority of cases), followed by environmental activists, NGOs and whistleblowers. Countries such as **Italy, Romania, Serbia, and Turkey** reported the highest numbers, though the phenomenon is **spreading rapidly** into previously unaffected states like **Monaco, Lithuania, Azerbaijan and Denmark**.

The Victims of SLAPP

SLAPPs specifically target "public watchdogs" essential to democratic oversight: investigative journalists, human-rights activists, scholars, NGOs and whistleblowers. **This case perfectly exemplifies this dynamic**: a manager reporting breaches is instantly recast as the target of legal intimidation.

THE EUROPEAN RESPONSE: ANTI-SLAPP DIRECTIVE 2024/1069

Legislative Development

The **2017 murder of Maltese journalist Daphne Caruana Galizia** who faced nearly 50 SLAPP lawsuits before her assassination, catalyzed European action against this

phenomenon. The result is **Directive (EU) 2024/1069**, which finally **entered into force on May 6, 2024** and must be transposed into national law **by May 7, 2026**.

This Directive represents the **first coordinated EU-level attempt to tackle SLAPPs** systematically, explicitly recognizing that such practices "*threaten European democracy and fundamental rights in the Union*".

Protective Mechanisms

The Directive introduces procedural safeguards that could revolutionize public watchdog protection:

(1) **Early dismissal** of manifestly unfounded claims

(2) **Security for costs** requiring abusive plaintiffs to post financial guarantees

(3) **Full reimbursement of legal expenses** for defendants

(4) **Sanctions against SLAPP initiators**, as stipulated by the Directive

Extraterritorial Application

Crucially, the Directive extends protections against SLAPPs **filed in third countries** (Article 17), allowing EU citizens to seek redress in domestic courts for harm suffered from **abusive lawsuits originating outside the EU**.

FUTURE PERSPECTIVES: CHALLENGES AND OPPORTUNITIES

Adaptation of Intimidation Tactics

Companies and law firms are already adjusting to the new rules by devising alternative strategies:

(1) **Criminal SLAPPs**: increased use of criminal charges

(2) **Administrative proceedings**: leveraging regulators to bypass civil protections

(3) **Multijurisdictional actions**: filing suits in multiple countries simultaneously

NEW FORMS OF "LEGAL TERRORISTIC COMMUNICATIONS"

Beyond traditional lawsuits, more **sophisticated intimidation forms are emerging**:

- **Cyber-SLAPPs**: abuse of online takedowns and copyright claims
- **Reputational intimidation**: defamatory campaigns via complicit media
- **Indirect economic pressure**: targeting sponsors, donors or business partners

CONCLUSION

This case exemplifies the "**legal terroristic communications**" that multinationals deploy to silence critics. This analysis reveals a **calculated, systemic intimidation strategy** exploiting power imbalances, information asymmetries, and individuals' aversion to risk.

"It is remarkable that a law firm of global stature would choose to expend its brand capital on an operation so weak legally and so fragile ethically. Such a decision inevitably raises questions about the alignment between the firm's public prestige and the actual nature of its conduct."

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